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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,012	12/20/2001	Benjamin J. Parker	1805 (15817)	1871

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EXAMINER

BAUGH, APRIL L

ART UNIT PAPER NUMBER

2141

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/034,012

Applicant(s)

PARKER ET AL.

Examiner

April L Baugh

Art Unit

2141

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 22 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,3-12,14,15 and 17.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

Applicant argues that the prior art of record does not teach establishing a network session directly between the calling user and the called user unless no NAT firewall is in place at the called end. Examiner would like to point out that the type of firewall, NAT firewall is not disclosed in the independent claims, nor does independent claim 1 utilize the word 'direct' when discussing the type of connection made. Therefore applicant holds the same response to the above argument as presented in the final rejection. Applicant further argues the prior art of record does not teach a reversal of the roles of the users of a computer in establishing a network session. However Buck et al. teaches the caller initiating the call from behind a firewall as disclosed in the final rejection and AAPA teaches the callee initiated the call when behind a firewall (page 3, line 4-6 and 23-25). Lastly, applicant argues the prior art does not detect the presence of the NAT firewall because the global and local address are only known by the firewall. The Examiner would like to point out that the independent claims are written to state that the central server conducts the detecting step and not the firewall, therefore the examiner's prior response in the final rejection to this argument stands.

As a reference, Examiner's arguments from the final rejection of this application follow:

Applicant argues that Buck et al. does not teach establishing a network session directly between the calling user and the called user. Examiner's position is that Buck et al. teaches the above limitation (page 1-2, section 0011, page 2, section 0013 and page 5, section 0055). Applicant further argues that AAPA does not teach a method for detecting the presence of the NAT firewall. However, it is the examiner's opinion that AAPA teaches the above limitation (page 3, lines 18-22).

Buck et al. teaches, "...to determine whether the recipient is protected by a firewall and whether a direct two-way voice transmission and communication over the internet with intended recipient are possible through the firewall...if it is determined that the outgoing UDP packets are allowed to be transmitted by the firewall security system, the UDP voice data packets may be sent directly from the internal client's computer over the Internet to the remote recipient, bypassing the gateway server". Here it can be seen that Buck et al. does teach of direct transmission by bypassing the gateway server.

AAPA teaches, "Firewalls can perform network address translation (NAT) in which a user's local equipment IP address is translated into a global IP address of the firewall, so that a particular computer is not directly accessible from outside the firewall." Here it can be seen that the function of a firewall is disclosed in that it translates an address, therefore it is obvious that a way to detect firewalls would be to recognize a mismatch in the global and local address of the equipment

  
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